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EXAMINER	
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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/502,515
Filing Date: February 11, 2000
Appellant(s): LOVELAND, SHAWN D.

John T. Bretscher
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 5/20/04.

SK

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

Appellant's brief includes a statement that claims 1-9, 11-13, 14-15, 17-21 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

6,161,090	Kanevsky et al.	12-2000
5,604,786	Engelke et al.	2-1997

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-9, 11-15, and 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanevsky et al., (6,161,090) in view of Engelke et al., (5,604,786).

As per claim 1, Kanevsky et al., teach a method for authenticating a user for access to a computer network via a network access server including a voice interface and a speech synthesizer, the method comprising the steps of:

receiving a user identification from a user seeking access to the computer network via the voice interface (abstract, lines 2-8, Col.3, lines 25-30);

issuing a variable challenge query (Col.3, lines 31-37);

receiving a response to the challenge query (Col.3, lines 31-37); and,

selectively logging the user onto the computer network based upon a determination of whether the response to the challenge meets a matching standard with reference to a stored voice sample sequence, wherein the voice sample sequence corresponds to the user identification and the challenge query (Col.3, lines 25-50).

Kanevsky et al., however, do not specifically teach the dual-access communication interface supporting both data calls and voice calls over a same physical input. Engelke et al., do teach a dual-access interface (Col.3, lines 8 – 26, Col.5, lines 39-60). Therefore it would have been obvious to one with ordinary skill in the art at the time of invention to incorporate the interface as taught by Engelke et al., in the method of Kanevsky et al., because, this would provide the user with

a single interface to support both data and voice calls over the same interface efficiently.

As per claim 2, Kanevsky et al., teach the method of claim 1, wherein the variable challenge query is selected from a set of potential queries, the variable challenge query is determined in a manner such that the user cannot determine, in advance of the issuing step, the challenge query (Col.3, lines 25-50).

As per claim 3, Kanevsky et al., teach the method of claim 1, wherein the logging on procedure comprises submitting a stored computer network user identification and password by the network access server to a network security server (Col.3, lines 25-50).

As per claim 4, Kanevsky et al., teach the method of claim 3, further comprising the step of receiving, in response to the submitting step, a set of credentials for a logged on user (Col.3, lines 25-50).

As per claim 5, Kanevsky et al., teach the method of claim 4, further comprising the step of creating an application proxy having the set of credentials for the logged on user, the application proxy carrying out requests on behalf of the user seeking access to the computer network (Col.8, lines 37-55).

As per claim 6, Kanevsky et al., teach the method of claim 3, further comprising the steps of receiving a notification of successful logging onto the computer network and thereafter executing an application in accordance with vocal commands received by the voice interface (Col.8, lines 37-55).

As per claims 7-9, Kanevsky et al., teach various applicable applications (Col.8, lines 17-55).

As per claims 11-13, Kanevsky et al., teach a communication interface supporting both data calls and voice calls over the same physical input line, the challenge query is a request to repeat the phrase transmitted by the voice interface, based upon alphanumeric values (Col.8, lines 37-67).

Claims 14-15, 17-20 are apparatus claims to implement the method of claims 1-9, 11-13, and are similar in scope and content, and are rejected under similar rationale.

Claim 21 is computer readable medium containing instructions to implement the method of claim 1, and is rejected under similar rationale.

(11) Response to Argument

(1) Applicant states that the final rejection ignores both the "logon request" and the "logon server" elements of claim 14, elements not found in claim 1 (page 7 of the brief). Examiner disagrees. Claim 1 recites "user seeking access" which is the same as "logon request", and "computer network" which is the "logon server" element of claim 14.

(2) Applicant argues that the combination of Kanevsky and Engelke does not teach the final element of the independent claims of Group I, i.e., claims 1 and 21, "selectively logging the user onto the computer network..." And, "While Kanevsky

authenticates a user, neither Kanevsky nor Engelke teach using that authentication as a basis for logging the user onto a computer network." Examiner disagrees. Kanevsky does teach "selective logging the user onto the computer network" (Col.3, lines 49-51,61-64, "If the score does not fall within the preferred range, then access may be denied to the speaker..."; also figure 2, shows a central server which is necessarily connected to a computer network which it services, Col.4, lines 23-27).

Applicant also argues that the "network security server" of claim 3, that receives user identification and password is nowhere to be found in the cited art. Examiner disagrees. The "user database" of Kanevsky (figure 3, items 22, 18, 66, and 68) receives user identification and user profiles from databases that allow or deny user access to the server.

Applicant also argues that the limitations of claims 4 and 5, discussing authentication credentials for a user who is already logged on is not discussed in Kanevsky. Examiner disagrees. Kanevsky does teach static and dynamic features of a user profile which can be updated once the user is logged on (Col.3, lines 60-64).

Applicant also argues that claim 5 and 14's authentication proxy, that carries out requests on behalf of the authenticated user is not found in the cited art. In Col.8, lines 32-36, Kanevsky teaches self-adapting self-enrolling, self-validating and/or self-updating biometrics. Kanevsky teaches admitting the user also

correcting or updating the models, i.e., carrying out requests on behalf of the authenticated user.

Applicant argues that the "personal interactive voice response application" of claim 7, "distributed conference bridge" of claim 8, and "instant message application" of claim 9, are nowhere taught in Kanevsky or Engelke. Examiner disagrees. Kanevsky does teach the above mentioned applications (Col.6, lines 27-35 --claims 7,8,17-19 (user interaction with the server, and PSTN path); Col.8, lines 56-67 ---claim 9, instant or text messaging).

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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vbc
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